**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**
**&**
**THE HONOURABLE MRS. JUSTICE K.HEMA**

**MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929**

**MFA.No. 877 of 2000(B)**
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**I.C. NO. 20/1998 OF EMPLOYEES INSURANCE COURT, ALAPPUZHA**
**.....**

**APPELLANT/OPPSITE PARTY:**
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**THE REGIONAL DIRECTOR,**
**EMPLOYEES STATE INSURANCE CORPORATION,**
**THRISSUR.**

**BY ADV. SRI.T.P.M.IBRAHIM KHAN**

**RESPONDENTS/APPLICANT:**
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**B. GOVINDAN, MANAGING PARTNER,**
**M/S. BHIMA JEWELLARY, MG ROAD,**
**ERNAKULAM, REP. BY THE POWER OF**
**ATTORNEY HOLDER SHRIPATHI V. BHATT,**
**RESIDING AT SRUTHI, EAST OF MUTHIRAMMAN**
**KOVIL, THONDANKULANGARA, ALAPPUZHA.**

**BY**

**THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**J.B.KOSHY & K.HEMA, JJ.**

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M.F.A.No.877 OF 2000

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Dated 1st October, 2007

**JUDGMENT**

**Koshy,J.**

Respondent establishment, a Jewellery, was started on 5.6.1996 with 17 employees. According to them, they employed 20 employees with effect from 1.7.1996 and they have submitted 01 Form. Many remainders were sent. On 18/03/1997 they were asked to pay contribution as they are provisionally treated as a branch of Bhima Jewellery, Thiruvananthapuram. They wrote back saying that they may be allowed separate code as it is not a branch of Bhima Jewellery, Thiruvananthapuram. That was later conceded and thereafter they started paying contribution. The main reason for not paying contribution was that their registration application was not responded by the Corporation earlier. The Employees' Insurance Court found that on 18.3.1997 they were asked to pay contribution. Whether it has a separate code or same code is not a ground and, therefore, they should have at least cover the establishment from 1.4.1997. Admittedly, even according to the establishment, it has employed 20 employees with effect from 1.7.1996. It is admitted that they employed 20 employees from 1.7.1996 and establishment is coverable from 1.7.1996. As a statutory obligation, the appellant ought to have covered the establishment from

1.7.1996. Therefore, Employees' State Insurance Corporation was right in demanding contribution from 1.7.1996. Hence, the view of the Tribunal that contribution is payable from 1.4.1997 is not correct. The non-response of their letters at the maximum will help the respondent from imposition of damages and other penal consequences.

The appeal is allowed.

**J.B.KOSHY**
**JUDGE**

**K.HEMA**
**JUDGE**

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